BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) 17.74.502, 17.74.503, and 17.74.507) pertaining to incorporation by reference) of current federal regulations into the) methamphetamine cleanup rules and) clearance sampling)	NOTICE OF AMENDMENT (METHAMPHETAMINE CLEANUP PROGRAM)

TO: All Concerned Persons

1. On October 5, 2006, the Department of Environmental Quality published MAR Notice No. 17-251 regarding a notice of public hearing on the proposed amendment of the above-stated rules at page 2285, 2006 Montana Administrative Register, issue number 19.

2. The department has amended the rules exactly as proposed.

3. The following comment was received and appears with the department's response:

COMMENT NO. 1: The department should require additional clandestine methamphetamine lab cleanup experience for the contractors conducting clearance sampling.
RESPONSE: The amendment to ARM 17.74.507 requires an independent contractor who conducts clearance sampling to be certified pursuant to ARM Title 17, chapter 74, subchapter 5, to perform that work. The experience requirement for certification is 40 or more hours of on-site experience in methamphetamine lab cleanup projects. Because this is a new program in Montana and other states, there have been limited opportunities for contractors to acquire significant methamphetamine cleanup experience. At this time, if the department increases the methamphetamine cleanup experience requirement for contractors conducting clearance sampling, very few contractors would meet that requirement, resulting in a bottleneck in methamphetamine lab cleanup project clearance. After the methamphetamine lab cleanup program has operated for a sufficient time, the department will reconsider the experience requirement.

Reviewed by: DEPARTMENT OF ENVIRONMENTAL
                                                           QUALITY

/s/ David Rusoff   By: /s/ Richard H. Opper
DAVID RUSOFF   RICHARD H. OPPER
Rule Reviewer   Director

Certified to the Secretary of State, November 27, 2006.